

MINUTE ITEM

This Calendar Item No. 12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 2
to 0 at its 4-27-78
meeting.

CALENDAR ITEM

12.

4/78
Horn/Brady
W 5125.4

ADOPTION AND LISTS OF CRITERIA FOR THE DETERMINATION OF COMPLETENESS OF APPLICATIONS FOR DEVELOPMENT PROJECTS PURSUANT TO AB 884 (CHAPTER 1200 - STATUTES 1977)

Pursuant to Government Code Section 65940 and State Administrative Manual (SAM) Section 1082, a public hearing was held at the Commission's office in Sacramento on April 20, 1978. The purpose of the hearing was to allow interested public agencies and persons a opportunity to comment on the staff's recommended application lists and criteria relative to the Commission's activities.

Numerous comments were received during the review of the proposed lists and criteria with the result being those application lists and criteria appearing on Exhibit "A" on file in the office of the State Lands Commission.

The proposed lists and criteria are a compilation of many existing Commission forms which are used to elicit information from applicants requesting Commission action on leases and permits.

The current AB 884 guidelines do not allow an agency to require completion of environmental documents as part of a complete application. Additionally, AB 884 requires action on applications and environmental documents within a 1 year period, if the Commission is lead agency, or less if the Commission is a responsible agency (after determining an application to be complete). As such, it is necessary that administrative processing time of applications be reduced as much as possible. In order to accomplish a reduction in this processing time, staff is recommending that the Commission delegate authority to the staff to complete directly or by contract, environmental documents required by CEQA and the State EIR Guidelines. Specifically, it is requested that the Executive Officer or his designee be delegated authority to:

- A) Carry out those CEQA functions which may be delegated to staff pursuant to 14 Cal. Adm. Code Section 15055 (a); including the holding of public hearings on environmental documentation.

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- B) Solicit requests for proposals (RFP's) for the preparation of environmental documents by contract.
- C) Accept fees from project proponents to recover the costs incurred in preparing environmental documents directly or by contract.
- D) Evaluate and accept bids for the preparation of environmental documents.
- E) Execute contracts for the preparation and review of environmental documents.
- F) Carry out any other CEQA requirements in order to present to the Commission legally adequate project environmental documents.

Additionally, once an application has been deemed complete, the Commission must act on the application within specific time periods. If the Commission is a lead agency, it has 1 year in which to act. If the Commission is a responsible agency, it has 6 months from the latter of the date the lead agency approves the project or the date in which the application is deemed complete. If, however, the Commission fails to act within the time allowed, either approving or denying the project, the project is deemed approved.

Again, in light of the Commission's monthly meetings, it is recommended that the Commission delegate to the Executive Officer or his designee, the authority to deny, without prejudice to the applicant's right to reapply for the same project, applications for development projects in accordance with the standards for denial set forth in the AB 884 guidelines, SAM Section 1049.

Staff is recommending that the Commission adopt the attached lists and criteria which will become the Commission's General Application Requirements.

EXHIBIT: A. Proposed Application Lists and Criteria.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT THE NOTICED PUBLIC HEARING REQUIREMENTS REQUIRED UNDER SAM SECTION 1082 HAVE BEEN MET.
2. ADOPT THE APPLICATION LISTS AND CRITERIA SHOWN ON EXHIBIT "A" ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.
3. DELEGATE TO THE EXECUTIVE OFFICER OR HIS DESIGNEE THE FOLLOWING CEQA FUNCTIONS:

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- A) THOSE CEQA FUNCTIONS LISTED IN 14 CAL. ADM. CODE, SECTION 15055 (A); INCLUDING THE HOLDING OF PUBLIC HEARINGS ON ENVIRONMENTAL DOCUMENTS;
 - B) THE AUTHORITY TO SOLICIT REQUESTS FOR PROPOSALS (RFP's) FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS BY CONTRACT;
 - C) THE AUTHORITY TO ACCEPT FEES FROM PROJECT PROPONENTS TO RECOVER THE COSTS INCURRED IN PREPARING ENVIRONMENTAL DOCUMENTS WHETHER PREPARED DIRECTLY OR BY CONTRACT;
 - D) THE AUTHORITY TO ACCEPT BIDS FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS;
 - E) THE AUTHORITY TO EXECUTE CONTRACTS FOR THE PREPARATION AND REVIEW OF ENVIRONMENTAL DOCUMENTS;
 - F) THE AUTHORITY TO CARRY OUT ANY OTHER CEQA REQUIREMENTS THAT MAY BE REQUIRED BY LAW.
4. DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER OR HIS DESIGNEE TO DENY, WITHOUT PREJUDICE TO APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECTS, APPLICATIONS FOR DEVELOPMENT PROJECTS IN ACCORDANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN THE AB 884 GUIDELINES, SAM SECTION 1099.

EXHIBIT "A"

APPLICATION REQUIREMENTS
CHECKLIST

State of California
State Lands Commission

1807 - 13th Street
Sacramento, California 95814
Telephone: (916) 443-7738
Principal Office

100 Oceangate, Suite 300
Long Beach, California 908
Telephone: (313) 590-5201
Extractive Development

The following is the list of requirements for application for State Lands Commission action. The forms and data below are necessary for the projects indicated.

The staff of the Commission has attempted to enclose all of the information requirements necessary for your project application as it has been described to the staff. However, the applicant is advised that any of the information listed below may be required during the processing of the application.

- ☐ General Data, Form 54.2
- ☐ Leases and Permits for Tideland and/or Submerged Lands Form 54.4
- ☐ Leases and Permits for Non-tide and/or submerged lands, Form 54.5
- ☐ Environmental Data Form 54.3 ☐ EIF Form 59.2 ☐ EIF Form 69.3
- ☐ Proposed Pipelines--Offshore State Lands, Form 52.1(a)
- ☐ Proposed Pipelines- Inland Waterways, Form 52.1(b)
- ☐ Existing Pipelines--Offshore State Lands, Form 52.1(c)
- ☐ Existing Pipelines--Inland Waterways, Form 52.1(d)
- ☐ Purchase of State school lands, Forms 60.6 and 63.1
- ☐ Recreational Piers (PRC §6503) ☐ Form 51.4(a) ☐ Form 51.4(b)
- ☐ Highway uses, plats required per Commission form 52.6. Evidence that the reasonable value of the State lands and/or materials used is deposited in the General Fund and credited to the Resources Protection Account will be required.
- ☐ Railroad Right of Way, plats required per Commission Form 52.7
- ☐ Boundary Determination and/or Exchange Agreement, Commission Form 52.8
- ☐ Salvage Permit, Commission form 69.5 and the requirements in 2 California Administrative Code, Article 2.5

- ☐ Sublease on Granted Lands, including the information outlined in 2 California Administrative Code, Article 9.
- ☐ Fair market rental -- if this application will require the staff of the Commission to determine the fair market rental value of the lands to be leased, the applicant shall be required to submit data sufficient for Commission staff to make such evaluation. The information required may included but is not necessarily limited to, financial statements, option agreements, comparable sales/lease data, and/or other information necessary in order to make the fair rental determination.
- ☐ Oil and Gas Compensatory Agreement, Form 33.32
- ☐ Oil and Gas (Negotiated), Form 33.33
- ☐ Geothermal Prospecting Permit, Form 33.42
- ☐ Geothermal Lease (Preferential), Form 33.39
- ☐ Mineral Prospecting Permit, Form 33.44
- ☐ Mineral Lease (Preferential), Form 33.34
- ☐ Oil and Gas, Geothermal, and Other Mineral Lease (Competitive), Form 33.40
- ☐ Dredging Permits (Public Resources Code §6303), Form 33.41
- ☐ Modification of Right of Surface Entry (PRC 6401), Form 33.43
- ☐ Resumption of Drilling Operations, Form 33.36
- ☐ Ocean Floor Well Proposals, Form 33.37
- ☐ Well Proposals (New, redrill, repair, recompletion, abandonment, etc), Form 33.35
- ☐ Alteration of Facilities, Form 33.38
- ☐ Signature and Certification Page, Form 54.2

Failure of an applicant to provide the information outlined in this form within the time limits prescribed by staff of the State Lands Commission may result in significant delays in determining that an application is complete; or, cancellation of the application.

In those instances where Commission costs and expenses are chargeable to the applicant, the applicant shall deposit with the Commission, the applicable expense deposit. If the deposits

are not received within twenty-one (21) days of request, the application may be cancelled. Processing costs and environmental fees are calculated based on actual or estimated costs plus proportional overhead. If the estimated cost or fee is less than the actual cost, the applicant will be required to submit these additional costs within the allowable time period.

The preceding information is necessary in order to process your application for lease of State owned land. You have the right to review files maintained about you by the State Lands Commission, except as provided for by law. The Commission Records Coordinator, State Lands Commission, 1807 13th Street, Sacramento, CA 95814, telephone (916) 445-9742, is responsible for maintenance of the information which is collected by the Commission.

The conduct of the State Lands Commission is governed by Public Resources Code Sections 6000, et seq. and 2 California Administrative Code Sections 1900, et seq. These provisions, by reference, are included herein.

If you have any questions, please contact _____

_____, at _____

STATE OF CALIFORNIA
STATE LANDS COMMISSION

BY _____

GENERAL DATA

This information is required of all applicants.

A. APPLICATION BY:

/ / Individual / / Partnership / / Corporation / / Public Agency

Applicant's Name: _____

Telephone: () _____ () _____
Residence Business

Applicant's Address: _____

(City and State)

Applicant's Agent (if any): _____

Telephone: () _____

Agent's Address: _____

B. If the applicant is a corporation, partnership or other association:

1. If the applicant is a corporation, attach a Certificate of Incorporation issued by the State of California or a Certificate of Incorporation issued by the State of Incorporation, together with the certificate issued by the State of California authorizing the applicant to transact business in California; and a certified statement of the names of the corporate president, secretary, and/or officer authorized to execute contracts
2. If the applicant is a partnership, attach a certified copy of the partnership statement. If no partnership statement has been filed in the country in which the partnership does business, so state in your application and further give all particulars of the partnership.
3. If applicant is another form of association, state its nature, membership and other particulars regarding its legal existence.

C. PUBLIC AGENCIES:

Generally, all permits and leases issued by the State Lands Commission require monetary consideration. However, a public

agency applicant may qualify for a rent-free lease/permit. In order to so qualify, the applicant must submit in writing a statement of justification for the rent-free status, which status shall be based on a statewide, as compared with a primarily local, public benefit. Such statement shall detail the statewide public benefit derived from the project. The State Lands Commission shall determine whether a statewide public benefit is derived from the project.

D. INDIVIDUAL:

If applicant seeks a lease or permit for an extractive development, individual applicants and members of associations, shall secure a copy of their birth certificate, certificates of naturalization or other evidence of citizenship.

E. LOCATION OF STATE LAND:

County: _____ Nearest City: _____

Miles: _____ Township, Range, Section, Reference Meridian:

OR Waterway: _____

F. USE OF STATE LAND:

☐ COMMERCIAL; ☐ INDUSTRIAL; ☐ RECREATIONAL; ☐ RIGHT OF WAY; ☐ GRAZING; ☐ MINERAL PROSPECTING PERMIT; ☐ MINERAL LEASE (PREFERENTIAL); ☐ MINERAL LEASE (COMPETITIVE); ☐ GEOTHERMAL PROSPECTING PERMIT; ☐ GEOTHERMAL LEASE (PREFERENTIAL); ☐ GEOTHERMAL LEASE (COMPETITIVE); ☐ OIL AND GAS LEASE (COMPETITIVE); ☐ OIL AND GAS LEASE (NEGOTIATED); ☐ OIL AND GAS COMPENSATORY AGREEMENT; ☐ DRIFTING; ☐ OTHER

☐ EXISTING STRUCTURE/CONTINUED USE

☐ NEW CONSTRUCTION/ADDITIONAL USE

G. IDENTIFY, (IF KNOWN), OTHER PUBLIC AGENCIES HAVING APPROVAL AUTHORITY OVER YOUR PROPOSED PROJECT. (e.g., Corps of Engineers, Local Planning Agency, etc.).

ANY OF THE ABOVE APPROVALS OBTAINED MUST BE SUBMITTED WITH THE APPLICATION.

H. PROJECT DESCRIPTION:

The applicant shall provide a narrative description of the project with references to maps, plot plans, financial analysis, and other graphics as may be appropriate. The project should be defined in sufficient detail so that Commission staff can analyze and evaluate the project. Sufficient data should be supplied which will:

1. Show how the proposed project will be carried out, including initial construction equipment, techniques, time schedules and operational requirements,
2. Show the project's future phases or extensions, if any.
3. Detail other proposed projects that will be dependent upon this project or will be directly influenced by this project.
4. Describe existing development in the vicinity which will directly (or indirectly) influence or be influenced by this project
5. Enable the Commission to determine if the project:
 - (a) is in the best interest of the State;
 - (b) conflicts with the various trusts under which State lands are held;
 - (c) is a viable use of State lands.

I. FEES:

1. A non-refundable filing fee of \$25.00 is required of all applicants.
2. An environmental processing fee may be required.
3. Applicants for the following leases or permits which do not provide for monetary consideration, or for any of the following actions which do not result in any increase in monetary consideration, shall submit, in addition to any filing fee required by law, the fees specified below:

<u>TRANSACTION</u>	<u>MINIMUM NON-REFUNDABLE EXPENSE DEPOSIT</u>
(a) Right of way	\$350
(b) Public agency lease or permit	\$450
(c) Assignment/sublease of a lease	\$300

- (d) Amendment of a lease to accommodate lessee and which does not increase the rental \$500
- (e) Most other types of transactions not listed herein \$300

4. Extractive Development Fees:

- (a) For mineral prospecting permits and lease; geothermal prospecting permits and leases; oil and gas leases; compensatory agreements \$100
- (b) Dredging permits unless for the public benefit \$300

5. The above listed fees are necessary to reimburse the Commission for the cost to process typical, uncomplicated transactions. If the amount proves to be insufficient due to unusual complexities or for other reasons, additional funds will be requested.

SIGNATURE PAGE

Signature and Certification

All statements contained above on the attached application form and related exhibits are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant: _____

Applicant: _____

BY: _____
(If Agent)

TITLE: _____

DATE: _____

LEASES AND PERMITS FOR TIDELANDS AND/OR SUBMERGED LANDS

1. GENERAL

Upland Owner's Name: _____

Telephone: () _____

Upland Owner's Address: _____

(City and State)

Upland Address and Location: _____

Subdivision, Block, and Lot Number: _____

Zoning: _____ Assessor's Parcel No.: _____

Existing and Proposed Zoning Permit (e.g., Local Coastal Plan
Designation, Variance, Conditional Use Permit) _____

Number and Type of Buildings or Improvements on Upland: _____

Describe and/or provide photographs of existing structures on
waterway. _____

Does or will the upland and/or State land produce income?

_____. If yes, annual amount received or projected: _____

If projected, show basis of projection: _____

2. TITLE AND BOUNDARY INFORMATION

- a. Copy of current adjacent upland vesting documents and title report. Adjacent upland refers to that parcel of property over which access will be obtained to the wetland use. If the applicant is not the owner of the adjacent property, the applicant shall attach a copy of the lease, permit, or other evidence of the applicant's right to use the upland, in addition to the upland vesting document.
- b. Detailed plan or plot of proposed lease areas and existing and proposed structures showing:
 - (1) Their locations with respect to property lines, high and low water with reference to the datum of water line elevation and their dimensions.
- c. Vicinity map (8-1/2" x 11" with scale) showing the general area and the proposed leased lands.
- d. Corps of Engineers Public Notice or Permit Number.
- e. If applicable, number assigned to project from the Bay Conservation and Development Commission and the California Coastal Commission.
- f. A legal description of the area to be leased, tied to a monument or monuments of record. The area to be leased includes the area occupied by the structures, or otherwise under the exclusive control of the lessee/permittee.

3. INDIVIDUALS

Applicants that qualify for nominal rental in accordance with 2 California Administrative Code Section 2006(b)(6) who are 65 years or older shall supply proof or certificate of age on application.

4. CRITERIA FOR COMPLETENESS

- a. The Commission shall deem this section of an application to be complete if:
 - (1) The data submitted is sufficient to allow the staff of the State Lands Commission to locate and describe the nature and extent of State-owned lands to be utilized in the project; and
 - (2) The staff of the Commission and the applicant agree as to the size of the leased area and its description.

LEASE AND PERMITS FOR
OTHER THAN TIDE LAND AND/OR SUBMERGED LANDS

1. TITLE AND BOUNDARY INFORMATION

- a. A legal description of the parcel to be leased, tied to a monument or monuments of record (including acreage).
- b. A detailed plan or plat of proposed lease and existing and proposed structures showing their locations with respect to property lines and dimensions.
- c. Vicinity map (8-1/2" x 11" with scale) showing the general area and the proposed leased lands.
- d. County Assessor's Parcel Number of lands to be leased (if any).

2. CRITERIA FOR COMPLETENESS

- a. The Commission shall deem this section of an application to be complete if:
 - (1) The data submitted is sufficient to allow the staff of the State Lands Commission to locate and describe the nature and extent of State-owned lands to be utilized in the project; and
 - (2) The staff of the Commission and the applicant agree as to the size of the leased area and its description.

ENVIRONMENTAL DATA

All leases, licenses, permits, land sales or other entitlements for use of State lands under the jurisdiction of the State Lands Commission shall be authorized only after compliance with California Environmental Quality Act (CEQA) has been achieved. Depending upon the nature and size of your project, and its status in the permitting process, the environmental data requirements may vary. Answers to the following questions will dictate the level and quantity of data required.

1. Is there any existing environmental document regarding the proposed project? If so, please attach a copy and your environmental data requirements may be satisfied.
2. If you answer to No. 1 above is negative, has a "lead agency" been designated for the project? If so, please identify, and your environmental data requirements may be satisfied.
3. If you answers to the above questions are negative, and your project is designated below by the Commission as typically requiring an environmental impact report, provide the information on State Lands Commission Form E.I.F. 59.2 attached. The following projects are those which typically require an environmental impact report: Oil and gas lease, geothermal prospecting permit or lease; mineral prospecting permit or lease; resumption of drilling; major industrial, commercial, or right of way construction, public works projects; salvage lease or permit; or a project which may have a significant impact on Class A significant lands identified in the Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values, dated December 1, 1975.
4. If your project does not fit within the confines of Nos. 1, 2, or 3, provide the information listed in State Lands Commission Form EIF 69.3

5. If it is determined that an environmental document (environmental impact report or negative declaration) need be prepared for the project, the applicant agrees, as a part of the application, to enter into a contract with the State Lands Commission for payment of all costs encountered in the preparation of the appropriate document.
6. Applicant is further advised that the determination of what type of environmental document is necessary is the responsibility of the State Lands Commission.

ENVIRONMENTAL INFORMATION FORM (E.I.F.)

This form describes the data that must be furnished the State Lands Commission as part of an application for Commission action.

(1) Project and Its Location. Give the name of the project and its location. Generally, two maps or drawings should be submitted. One should show the general vicinity of the proposed project; i.e., nearby landmarks, roads and other features that would make clear its relation to the general vicinity. The other, preferably topographic, should show the project in detail; i.e., the location of buildings, fills, dredge areas, dikes, public access areas, etc.

(2) Statement of the Objectives Sought by the Proposed Project. Briefly describe what the project is intended to achieve (e.g., new piers for shipping, new park for recreation, shoreline development for public health and safety, oil and gas development).

(3) General Description of the Project. Describe the project's technical, economic and environmental characteristics, considering the principal engineering proposals and supporting public service facilities. Include in this description the principal features of the project (e.g., well locations, exact size of proposed fills, exact scope of proposed dredging, extent of proposed shoreline public access, etc.). The purpose is to provide a clear, concise overall description of the project.

(4)(a) Description of the Environmental Setting. Describe the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region should also be included, for purposes of examining the possible cumulative impact of such projects. List the flora and fauna found in the project area (common and scientific names).

(b) Water Quality Aspects. Describe in the environmental setting section, and other sections where applicable, water quality aspects of the proposed project which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards.

(5) Assessment of Impact. All phases of a project must be considered when evaluating its impact on the environment: Planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs. If they are not discussed separately, the E.I.F. should include a table showing where each of the subjects is discussed.

(6) Significant Environmental Effects Project. Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects. It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services. Cumulative effects shall also be discussed when found to be significant.

(7) Any Significant Environmental Effects Which Cannot Be Avoided If The Proposal Is Implemented. Describe any significant impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Describe impacts on any aesthetically valuable surroundings, or on human health.

(8) Mitigation Measures Proposed to Minimize the Significant Environmental Effects. Describe significant avoidable adverse impacts, including inefficient and unnecessary consumption of energy, and the measures proposed to minimize these impacts. This discussion shall include an identification of the acceptable levels to which such impacts will be reduced, and the basis upon which such levels were identified. Where alternative measures are available to mitigate an impact, each should be discussed and the basis for selecting one alternative should be identified. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed. Examples of energy conservation measures are provided in the Appendix.

(9) Alternatives to the Proposed Action. Describe all reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. Describe alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.

(10) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity. Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the